

A CERTIFIED TRUE COPY

FEB 13 2006

ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATIONFILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA

2006 FEB 14 PM 3:21

LORETTA G. WHYTE
DOCKET NO. 1657JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JAN 26 2006

FILED
CLERK'S OFFICE

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE VIOXX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY
LITIGATION****(SEE ATTACHED SCHEDULE)****CONDITIONAL TRANSFER ORDER (CTO-38)**

On February 16, 2005, the Panel transferred 138 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 2,855 additional actions have been transferred to the Eastern District of Louisiana. With the consent of that court, all such actions have been assigned to the Honorable Eldon E. Fallon.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Eastern District of Louisiana and assigned to Judge Fallon.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the order of February 16, 2005, 360 F.Supp.2d 1352 (J.P.M.L. 2005), and, with the consent of that court, assigned to the Honorable Eldon E. Fallon.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Louisiana. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Michael J. Beck

Michael J. Beck

Clerk of the Panel

Inasmuch as no objection is
pending at this time, the
stay is lifted.

FEB 13 2006

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATIONCLERK'S OFFICE
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FEB 17 2006

Deputy Clerk, U.S. District Court
Eastern District of Louisiana
New Orleans, LA

Fee

Process

☒ Dktd

CtRmDep

Doc. No.

3272

SCHEDULE CTO-38 - TAG-ALONG ACTIONS
DOCKET NO. 1657
IN RE VIOXX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY
LITIGATION

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>	<u>EDLA</u> <u>SEC. L/3</u>
ALABAMA NORTHERN		
ALN 2 05-2555	Cynthia L. Bright v. Merck & Co., Inc., et al.	06-659
ALN 2 05-2556	Windford J. Wheelles v. Merck & Co., Inc., et al.	06-660
ARKANSAS EASTERN		
ARE 4 05-1906	Gary Whitt, et al. v. Merck & Co., Inc.	06-661
CALIFORNIA EASTERN		
CAE 2 05-2567	Tommie Calhoun v. Merck & Co., Inc., et al.	06-662
CAE 2 05-2568	John Palmer, etc. v. Merck & Co., Inc., et al.	06-663
CAE 2 05-2584	Esther Ned v. Merck & Co., Inc., et al.	06-664
CALIFORNIA NORTHERN		
CAN 3 05-5158	Trey Ditlevsen v. Merck & Co., Inc., et al. Opposed 2/9/06	
CAN 3 05-5233	Shirley H. Simmons v. Merck & Co., Inc., et al.	06-665
CONNECTICUT		
CT 3 05-1881	Colleen Cooper, et al. v. Merck & Co., Inc.	06-666
FLORIDA MIDDLE		
FLM 2 05-594	Richard C. Otis v. Merck & Co., Inc.	06-667
FLM 8 05-2275	Gerald Shelmandine v. Merck & Co., Inc.	06-668
FLM 8 05-2310	Roslyn Vasquez, et al. v. Merck & Co., Inc.	06-669
FLM 8 05-2311	Barbara Germana, et al. v. Merck & Co., Inc.	06-670
FLM 8 05-2323	George Vissichelli, et al. v. Merck & Co., Inc.	06-671
FLM 8 05-2330	John Brennan v. Merck & Co., Inc.	06-672
FLORIDA SOUTHERN		
FLS 0 05-61746	Darlene Rose, et al. v. Merck & Col., Inc.	06-673
FLS 0 05-61754	Shari Cayle v. Merck & Co., Inc.	06-674
GEORGIA MIDDLE		
GAM 5 05-458	Charles E. Lindsey, et al. v. Merck & Co., Inc.	06-675
GEORGIA NORTHERN		
GAN 1 05-3143	Eula Bolton, et al. v. Merck & Co., Inc.	06-676
IOWA NORTHERN		
IAN 3 05-3078	Cindy Anderson, et al. v. Merck & Co., Inc.	06-677
IAN 5 05-4149	Geri Martin v. Merck & Co., Inc.	06-678
IDAHO		
ID 1 05-499	Janene Watson, etc. v. Merck & Co., Inc.	06-679
ILLINOIS NORTHERN		
ILN 1 05-7010	Anthony J. Pontrelli v. Merck & Co., Inc.	06-680

SCHEDULE CTO-38 TAG-ALONG ACTIONS (MDL-1657)

PAGE 2 of 3

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>	<u>EDLA SEC. L/3</u>
ILLINOIS SOUTHERN		
ILS 3 05-823	Peggie Craig, et al. v. Merck & Co., Inc., et al. Opposed 2/10/06	
ILS 3 05-884	Irene Anzosa v. Merck & Co., Inc., et al. Opposed 2/7/06	
KANSAS		
KS 2 05-2538	Helen L. Stirens, et al. v. Merck & Co., Inc.	06-681
KS 5 05-4147	Robert Hulteen v. Merck & Co., Inc.	06-682
LOUISIANA WESTERN		
LAW 5 05-1729	Kathleen Keenan v. Merck & Co., Inc.	06-683
MINNESOTA		
MN 0 05-2878	Malcolm Haggart v. Merck & Co., Inc.	06-684
MN 0 05-2894	Elinor M. Lemon, etc. v. Merck & Co., Inc.	06-685
MN 0 05-2941	Orville Bratland v. Merck & Co., Inc.	06-686
MN 0 05-2942	Arvid Houghlum, M.D., etc. v. Merck & Co., Inc.	06-687
MISSOURI EASTERN		
MOE 4 05-2310	Eddie Broomfield v. Merck & Co., Inc., et al.	06-688
MISSOURI WESTERN		
MOW 4 05-1252	Charles M. Reskin, et al. v. Merck & Co., Inc., et al.	06-689
MOW 4 05-1263	Lora Bradford, et al. v. Merck & Co., Inc.	06-690
MOW 4 05-1264	Donald Bain, et al. v. Merck & Co., Inc.	06-691
MISSISSIPPI SOUTHERN		
MSS 2 05-2180	Harrol Eugene Davis v. Merck & Co., Inc.	06-692
MSS 2 05-2181	Woodrow Spinks, et al. v. Merck & Co., Inc.	06-693
NORTH CAROLINA EASTERN		
NCE 5 05-819	John Bereskie, et al. v. Merck & Co., Inc.	06-694
NEBRASKA		
NE 8 05-560	Roy E. Wilkerson v. Merck & Co., Inc.	06-695
NEW YORK WESTERN		
NYW 6 05-6710	Ruth Sugarman v. Merck & Co., Inc., et al. Opposed 2/10/06	
NYW 6 05-6711	Mary S. Sicari, etc. v. Merck & Co., Inc., et al. Opposed 2/10/06	
NYW 6 05-6712	Evclyn Depascale v. Merck & Co., Inc., et al. Opposed 2/10/06	
NYW 6 05-6713	Michele Frain, et al. v. Merck & Co., Inc., et al. Opposed 2/10/06	
NYW 6 05-6714	Joseph Kauschinger, et al. v. Merck & Co., Inc., et al. Opposed 2/10/06	
NYW 6 05-6715	Gary R. Laux, etc. v. Merck & Co., Inc., et al. Opposed 2/10/06	
NYW 6 05-6716	Kathryn Lee, etc. v. Merck & Co., Inc., et al. Opposed 2/10/06	
NYW 6 05-6717	Maynard Neal, etc. v. Merck & Co., Inc., et al. Opposed 2/10/06	
NYW 6 05-6730	Albert Bruno v. Merck & Co., Inc.	06-696
OHIO NORTHERN		
OHN 3 05-7475	Michael D. Lynn v. Merck & Co., Inc.	06-697
OHN 5 05-2810	Edward H. Boylan, et al. v. Merck & Co., Inc.	06-698
OHN 5 05-2853	James M. Lewis, M.D., et al. v. Merck & Co., Inc.	06-699
OHIO SOUTHERN		
OHS 1 05-728	Roger Radcliff, et al. v. Merck & Co., Inc.	06-700

SCHEDULE CTO-38 TAG-ALONG ACTIONS (MDL-1657)

PAGE 3 of 3

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>	<u>EDLA SEC. L/3</u>
OREGON		
OR 3 05-1915	Thomas L. Pettyjohn, et al. v. Merck & Co., Inc.	06-701
PENNSYLVANIA EASTERN		
PAE 2 05-6230	Francis S. Binder, et al. v. Merck & Co., Inc., et al.	06-702
PAE 2 05-6316	Bobbie Saylor, et al. v. Merck & Co., Inc., et al.	06-703
PAE 2 05-6380	Cynthia Puhl v. Merck & Co., Inc.	06-704
PAE 2 05-6618	Terry Burnett, et al. v. Merck & Co., Inc., et al.	06-705
PAE 2 05-6671	Eddie Mack Morgan, et al. v. Merck & Co., Inc., et al.	06-706
SOUTH DAKOTA		
SD 4 05-4190	Hinde Butts, etc. v. Merck & Co., Inc.	06-707
TENNESSEE MIDDLE		
TNM 3 05-913	Thena M. Johnson v. Merck & Co., Inc.	06-708
TEXAS EASTERN		
TXE 1 05-844	Clara Beth Urban, etc. v. Merck & Co., Inc.	06-709
TXE 1 05-852	Norma L. Howard v. Merck & Co., Inc.	06-710
TXE 4 05-476	Herbert E. Reichle, et al. v. Merck & Co., Inc.	06-711
TEXAS NORTHERN		
TXN 2 05-321	Eldeared Granville v. Merck & Co., Inc.	06-712
TEXAS SOUTHERN		
TXS 4 05-3703	Emil O'Rosky, et al. v. Merck & Co., Inc.	06-713
TXS 4 05-4265	Robert L. Williams, etc. v. Merck & Co., Inc. Opposed 2/13/06	
TEXAS WESTERN		
TXW 6 05-427	James Allen Wright, et al. v. Merck & Co., Inc.	06-714
WASHINGTON WESTERN		
WAW 2 05-2079	Douglas Schmidt v. Merck & Co., Inc.	06-715